

USDC SOUTHERN DIST. NEW YORK

COUNTY OF NEW YORKGLOBAL PROCESS SERVICE CO., INC.
291 BROADWAY, SUITE 1504
NEW YORK, NY 10007
LIC. # 887-054

LEXINGTON INSURANCE COMPANY ET AND

Plaintiff(s)

- against -

LOCHINVAR CORPORATION ET AL

Defendant(s)

Index No.

AFFIDAVIT OF SERVICE**STATE OF NEW YORK: COUNTY OF NEW YORK**

ss:

STEVEN AVERY

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY

TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 01/07/08 at 0840AM Hours at C/O SEC. STATE 41 STATE STREET ALBANY, NEW YORK

deponent served the within SUMMONS, COMPLAINT, INDIV. PRACT. OF MAGIS. THEODORE H. *

on

F. DIGIACOMO & SONS, INC.

therein named,

INDIVIDUALby delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein. ☐ (S) He identified (her) himself as such.A ☐**CORPORATION**a (domestic) (foreign) corporation by delivering thereto a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be ☐ two copies CHAD MATICE
AUTHORIZED AGENT thereofXX B ☐**SUITABLE
AGE PERSON**by delivering thereto a true copy of each to a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. ☐ (S) He identified (her) himself as of recipientC ☐**AFFIXING TO
DOOR, ETC.**

by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereto, having called there on the dates below:

D ☐

* KATZ AND JUDGE GEORGE B. DANIELS

**MAILING
USE WITH
C or D**

Service upon the N.Y.S. Secretary of State under Section 306 of the B.C.L. and tendering a fee of \$40.00

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient and deposited

said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows

Sex Skin Color Hair Color Age (Approx.) Height (Approx.) Weight (Approx.)

MALE

WHITE

BLACK

30

6'2

215

**MILITARY
SERVICE**

Above person has asked, whether the recipient (s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient (s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

☐

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

**USE IN
NYC CIVIL CT.**☐

The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons (es).

Sworn to before
me on the

01/08/08

SANDRA FARRON

Notary Public, State of New York

No. 01FA4784241

Qualified in Nassau County

Commission Expires Sept. 30, 2009

STEVEN AVERY

LICENSE No.

114415